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4 Attorneys for defendant NWI

5  
 6 UNITED STATES DISTRICT COURT  
 7 SOUTHERN DISTRICT OF NEW YORK

8 THE NEW YORK TIMES COMPANY, }  
 9 Plaintiff, }  
 10 v. }  
 11 NEASI-WEBER INTERNATIONAL LLC, }  
 12 Defendant. }

Case No. 07 CV 8046 (JFK)  
 ECF CASE

NOTICE OF REMOVAL OF ACTION UNDER 28 U.S.C. § 1441(b) (diversity)

14 TO THE CLERK OF THE ABOVE COURT: PLEASE TAKE NOTE that  
 15 defendant Neasi-Weber International LLC (incorrectly named as Neasi-Weber  
 16 International, a California corporation) hereby removes to this Court the state  
 17 court action described below.

18 1. On 23 August 2007 an action was commenced in the Supreme Court  
 of the State of New York, County of New York, entitled The New York Times  
Company v. Neasi-Weber International Index Number 602857/07. A copy of  
 19 the complaint is attached as Exhibit 1. skw

20 2. The first date on which defendant received a copy of the complaint  
 was 27 August 2007 when defendant received a Federal Express from plain-  
 21 tiff's counsel. A copy of the Summons is attached as Exhibit 2. skw

22 3. The complaint is a civil action over which this court has original

1 jurisdiction under 28 U.S.C. § 1332 and is one which may be removed to this  
2 Court by defendant pursuant to 28 U.S.C. § 1441(b) in that it is between  
3 citizens of different states and the matter in controversy exceeds the sum of  
4 \$75,000, exclusive of interest and costs.

5 4. The allegation of diversity of citizenship is found in complaint para-  
6 graphs 2 (plaintiff is a New York corporation with principal place of business in  
7 New York) and 3 (defendant is a California (limited liability) corporation with  
its principal place of business in California).

8 5. The allegation of amount in controversy is found in complaint para-  
9 graph 12 where plaintiff alleges the dispute concerns nonpayment of  
\$117,500.

10 Dated: New York, New York  
September 13, 2007

11 KLEIN ZELMAN ROTHERMEL LLP

12 By \_\_\_\_\_  
13  
14 Sean A. Moynihan (SM 5129)  
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